

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:03CV153-1-MU

GEORGE SMITH,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
DOUG MITCHELL,)	
)	
Respondent.)	
_____)	

THIS MATTER is before the Court upon the Petitioner's Motion for Permission to Appeal In Forma Pauperis, filed September 26, 2005.

Federal law requires that a petitioner filing a notice of appeal in a civil action pay a filing fee in the amount of two-hundred and fifty-five dollars (\$255.00), plus service fees and other costs. Petitioner's trust fund account statement indicates that as of September 19, 2005, he had a balance of \$ 368.15 in his account. The trust account statement further reveals that Petitioner has maintained a balance of over \$350.00 in his trust fund account at least since April 2005. Based upon this information, the Court determines that Petitioner is able to pay the filing fee associated with the appeal in his civil action.

IT IS THEREFORE ORDERED that Petitioner's Motion for Permission to Appeal In Forma Pauperis is **DENIED** and Petitioner must pay the \$255.00 filing fee within thirty days of the filing of this Order.

**PETITIONER IS CAUTIONED THAT FAILURE TO PAY THE FILING FEE MAY
SUBJECT HIS APPEAL TO DISMISSAL FOR FAILURE TO PROSECUTE.**

The Clerk is further directed to certify a copy of this Order to the Petitioner by **certified mail,**
return receipt requested.

Signed: October 6, 2005

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

